

REMARKS

This Amendment is in response to the non-final Office Action mailed July 20, 2004. Claims 1 to 15, 17, 18 and 20 to 100 remain pending in this case. Claims 1 to 14, 47 to 86, 88, 93 and 94 have been withdrawn from consideration due to a restriction/election requirement. Claim 16 was previously cancelled without prejudice or disclaimer. Claim 19 is being cancelled herein without prejudice or disclaimer. Claims 15, 25, and 87 have been amended herein.

Claims 30 to 46 have been allowed. Claims 19, 95 and 96 were “objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.”

In the Office Action, claim 87 was rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent JP 53-14772 (hereinafter “*JP 53-14772*”).

Claims 15, 18, 20, 21 and 24 were rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 5,279,685 to Ivansons et al. (hereinafter “*Ivansons*”) and “Infrared Welding technology and Developed Materials For a New Era” written by Kagan (hereinafter “*Kagan*”).

Claim 17 was rejected under 35 U.S.C. §103(a) as being obvious in view of *Ivansons*, *Kagan*, and U.S. Patent No. 6,201,211 to Emmelmann (“*Emmelmann*”).

Claims 22 and 23 were rejected under 35 U.S.C. §103(a) as being obvious in view of *Ivansons*, *Kagan*, and U.S. Patent No. 6,596,122 to Savitski et al. (“*Savitski*”).

Claims 25 to 29 were rejected under 35 U.S.C. §103(a) as being obvious in view of *Ivansons*, *Kagan* and U.S. Patent No. 5,279,685 to Giragosian et al. (“*Giragosian*”).

Claims 97 to 100 were rejected under 35 U.S.C. §103(a) as being obvious in view of *JP 53-14772*.

Regarding the issues identified in the Office Action with respect to the information disclosure statements, Applicants have attached copies of the foreign documents that “were struck through because no copy [had] been presented” previously. In addition, Applicants have attached copies of abstracts, in English, for the foreign references submitted in the IDS filed January 27, 2003. However, Applicants have been unsuccessful in obtaining an English abstract for each the following foreign references submitted in the IDS filed on January 27, 2003: FR 1471450, JP 72044977, JP 46042639, JP 48089236, JP 75016826, JP 58124648 and JP 58132552. Regarding the above-listed references for which Applicants were unable to obtain an

abstract for in the English language, Applicants are merely attempting to present to the Patent Office known materials that **may** be relevant to patentability.

Regarding the obviousness rejection of claim 15, claim 15 as presently presented includes a prism and a light pipe, wherein the light pipe directs the laser beam to weld the tube ends together. The Office Action indicates at page 11, "there is no suggestion or motivation in the art of record for having a prism and a light guide for directing a laser beam while heating and welding." Applicants accordingly respectfully submit that claim 15 is allowable.

Claim 15 has been amended to change "to receive a flexible tube end" to "to receive one of the flexible tube ends". This amendment is for clarification purposes only, is not made to overcome any art of record or any statutory rejection and disclaims no subject matter with respect to the art of record.

Regarding the obviousness rejection of claim 25, claim 25 as presently presented includes a housing having apertures, each aperture adapted to receive a tube end. The claim also includes a pair of guides positioned within the housing to direct the tube ends into the housing. As stated above, the Examiner indicated at page 11, "the prior art of record fails to suggest the claimed device ... particularly having a housing with slots adapted for receiving tube ends and a pair of guides positioned within the housing." Applicants accordingly respectfully submit claim 25 is allowable.

Regarding the anticipation rejection of claim 87, claim 87 as presently presented includes a housing having apertures, each aperture adapted to receive a tube end. The claim also includes a pair of guides positioned within the housing to direct the tube ends. The Office Action indicates at page 11 that, "the prior art of record fails to suggest the claimed device ... particularly having a housing with slots adapted for receiving tube ends and a pair of guides positioned within the housing." Applicants accordingly respectfully submit claim 87 is allowable.


Because independent claims 15, 25 and 87 are patentable, Applicants respectfully submit that claims 17, 18, 20 to 24, 95 and 96; 26 to 29 and 89 to 92; and 97 to 100 that depend respectively therefrom are in condition for allowance.

For the foregoing reasons, Applicants respectfully request reconsideration of the patent application and earnestly solicits an early allowance of same.

Respectfully submitted,

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